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EXAMINER

SOOHOO, T

ART UNIT

PAPER NUMBER

1723

DATE MAILED:

12/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/626,804

Applicant(s)

HEIDLER, RALPH

Examiner

Tony G Soohoo

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-15 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 3,4,7 and 21 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the securing of the 2nd pair of expandable corners by hooking members and the placing of hands in the 2nd pair of oblong apertures to lift the substrate of claim 21 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 fails to provide proper antecedent basis for "said oblong apertures".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable by Hahn 4,500,129 in view of Osborn 4682447.

The Hahn reference discloses a planar substrate 11 which lies flat as seen in figure 1 and having four corner areas at the corners of 21 and 22; 22 and 23; 23 and 24; 24 and 21, four expandable corners 25, 26, 26, 28 coupled to the four corner areas and a "handle means" 29, 30, or 34, 33, at opposite corners, see figure 2. With regards to claim 2 note that the handle means straps would create oblong apertures between the strap and the corners to form the a handle opening.

It is noted that the breadth and scope of the claimed language of a "handle means" is broad such that the claims are readable upon the Hahn reference. (See applicant's disclosed species of handle means is broad in scope such that it is inclusive of an opening in the sheet of figure 27a-d of figure 1, or a separate handle element 77 attached onto in the sheet as seen in figure 9. Accordingly, the scope of "handle means" is read in such a manner to the scope of the claims).

Hahn discloses all of the recited subject matter as noted with the exception of having the handles on each of the four corners of the sheet so as to provide lifting from all corners. It is noted that Hill shows opposite corners and upon different sides to present only two opposite corners for lifting.

The reference to Osborn teaches that one may place handles about all four corners of a sheet so as to provide for a more easily manipulated sheet for carrying or manipulation of the sheet.

In view of the teaching of Osborn that one may place handles upon each respective corner of a sheet or mat, it is deemed that it would have been obvious to one

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of ordinary skill in the art to provide for Hahn with Hahn's handle means upon each respective corner so as to provide a easier means to move and manipulate the sheet.

With regards to claim 5 note that Hahn is made of a waterproof, flexible material usable with water, see column 2 lines 1-3 and column 1 line 37-38.

With regards to claim 6, Hahn discloses all of the recited subject matter as noted with the exception of the use of Tarpaulin material as the material of the mat sheet. It is old and well known that Tarpaulin is a flexible and waterproof material in sheet form and thus is a known structural equivalent to a waterproof plastic or woven flexible sheet.

Whereby Hahn teaches that other materials may be used, column 2, lines 1-3, it is deemed that it would have been obvious to one of ordinary skill in the art to substitute the flexible waterproof sheet material of Hahn with a structurally equivalent sheet made of Tarpaulin material so as to reduce construction costs the use of a lower cost structural equivalent without reduction in structural strength and utility.

6. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable by in Payne 5743636 view of Hahn 4,500,129 and Osborn 4580372.

Payne teaches a method of mixing using a flexible sheet having a planar substrate 14 whereby cement powder and liquid is placed in the center whereby four handle means 19, 20, 21, 22 is manipulated to provide mixing and pouring the cement.

With regards to the claims 17, 19, it is noted that Payne teaches lifting diagonals to create mixing. Whereas a person having ordinary skill in the art has been taught by Payne to use handles to lift and manipulate the sheet for mixing, it is deemed that it

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would have been obvious by a person having ordinary skill in the art to manipulate the sheet in a rolling manner, or rotating pairs of corners to provide the mixing of the cement due to the sheet deformation. With regards to claim 20, it is noted that when a person lifts and carries the sheet of Payne with the hands, the sheet will be near the waist with the arms fully or partially extended along side the body.

Payne discloses all of the recited subject matter as noted with the exception of the sheet being used by the method having four expandable corners.

The device of Hahn as discussed above teaches a sheet which may be used for carrying or holding wet fluids via a sheet whereby the corners have an expandable corner to form outer wall to better hold the material in the center planar portion. Hahn also teaches a method of use whereby additional handles 29 may be placed at the corners to better hold the sheet by the hands of a user to carry the sheet.

The reference to Osborn teaches that one may place handles about all four corners of a sheet so as to provide for a more easily manipulated sheet for carrying or manipulation of the sheet.

In view of the teaching of Osborn that one may place handles upon each respective corner of a sheet or mat, and that Hahn teaches that a sheet with expandable corners may be used to form a shallow container to hold material and liquid while providing a easily flattened and stored sheet, it is deemed that would have been obvious to modify the method of mixing cement by substituting the sheet as taught by Payne with a differing sheet having expandable corners and handles at the respective corners so, for the reasons and motivation as pointed out above and in the rejection to the apparatus

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claim 1, so as to provide for a easily stored container in a flat position whereby it may easily form a shallow container via expandable corners, as taught by Hahn, and further have an more effective manner to handle the sheet as taught by Osborn via handles at each respective corner, so that the process of mixing using a manipulated sheet as taught by Payne may be manipulated and stored in a more convenient manner.

With regards to claim 17 note Payne, column 2, line 53 teaches pouring, thus tilting the mat.

With regards to claim 18 note that the method of mixing is with the dry pre-blended cement and water, column 4, lines 1-24.

With regards to claim 19, note that Payne teaches the moving of the corners to providing a moving of material about the sheet for mixing, column 1, line 60-64. It is noted that whereas Payne teaches a method that the corners are raised and lowered to cause movement of material across the sheet for mixing, and whereby a person having ordinary skill in the art and the level of skill of the ordinary artisan it is known that one may move handles to manipulate a sheet in various ways to provide a movement of the slurry via the movement of the handles, it is deemed that it would have been obvious to one of ordinary skill in the art to modify the lifting of the handles such that the slurry is rolled by rotating at least a pair of the corners from one side to another so that the mixture is mixed in a more effective manner.

With regards claim 20, whereby it is known in the art that the ordinary artisan's arms terminate at a position approximately waist high, it is deemed that the method step as recited in claim 20 is achieved when the sheet 25 of Payne is lifted for mixing thereby

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causing the sheet to be at a position at the end of the user's arms whereby it is near the waist.

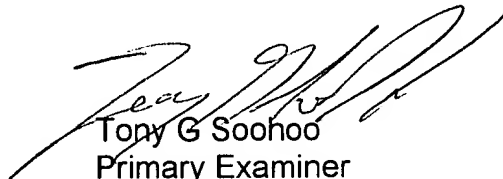
Allowable Subject Matter

7. Claims 3-4, 7, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 8-15 are allowed.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G Soohoo whose telephone number is (703) 308-2882. The examiner can normally be reached on 8:00 AM - 5:00 PM, Mon - 2nd Fri. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Tony G Soohoo
Primary Examiner
Art Unit 1723

tgs
December 15, 2000